

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DUSTIN PATRICK CURTIS,

Plaintiff,

v.

INSURANCE COMPANY AETNA, et al.,

Defendants.

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No. 4:23-CV-1150-RLW

ORDER

This closed prisoner case is before the Court on Plaintiff Dustin Patrick Curtis's motion for leave to proceed in forma pauperis on appeal. The motion will be denied. Plaintiff is a prisoner who has, on more than three prior occasions while incarcerated, brought an action in this Court that was dismissed for one of the reasons listed in 28 U.S.C. § 1915(g).¹ Further, the Complaint's allegations do not show that Plaintiff is under imminent danger of serious physical injury, as discussed in the Memorandum and Order of September 18, 2023. (*See* ECF No. 2 at 2). The Court will therefore deny the motion pursuant to 28 U.S.C. § 1915(g).


In the motion, Plaintiff uses obscene, insulting, and abusive language. (*See* ECF No. 6 at 4). The Court cautions Plaintiff to avoid using such language in any document filed with the Court in the future, as doing so may result in the document(s) being returned to plaintiff without filing.

¹*See Curtis v. Federal Bureau of Investigation, et al.*, No. 4:18-CV-237-JCH (E.D. Mo. May 30, 2018) (dismissed as frivolous); *Curtis v. House, et al.*, No. 4:19-CV-2597-SRC (E.D. Mo. Jan. 30, 2020) (dismissed as *Heck*-barred); *Curtis v. House, et al.*, No. 4:19-CV-1810-SNLJ (E.D. Mo. Sep. 6, 2019) (dismissed for failure to state a claim); *Curtis v. Nichols, et al.*, No. 4:19-CV-1216-JAR (E.D. Mo. Jan. 27, 2020) (dismissed as *Heck*-barred). This Court takes judicial notice of the foregoing prior litigation, the records of which are public records filed in this United States District Court and which relate to the case at bar. *See United States v. Jackson*, 640 F.2d 614, 617 (8th Cir. 1981).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis on appeal (ECF No. 6) is **DENIED**.

IT IS FURTHER ORDERED that plaintiff shall file any future documents or pleadings in connection with this appeal directly with the United States Court of Appeals for the Eighth Circuit.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 11th day of October, 2023.